

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Atty. Docket

Kevin Wickline et al.

US040174US

Int'l Appln. No.: PCT/IB2005/050985

Int'l File Date: 03/22/2005

Title: ULTRASONIC PROBE VOLUME COMPENSATION SYSTEM

Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

## PETITION WHEN INVENTOR REFUSES TO SIGN DECLARATION

Sir:

It is respectfully requested that the Commissioner permit the filing of this application with a Declaration unsigned by one of the six co-inventors, Alan Hornberger, who refuses to sign the Declaration signed by his five co-inventors. The underlying facts are as follows.

1. When Mr. Hornberger began his employment with Echo Ultrasound in 1988 he executed an agreement in which he agreed to assign inventions made during his employment to the company. See paragraphs (a) and (b) of the attached EMPLOYEE INNOVATION AND PROPRIETARY INFORMATION AGREEMENT. Mr. Hornberger renewed this obligation when Echo Ultrasound became a part of Philips Electronics as shown in paragraph 3 of the enclosed "Employee Ethics and Intellectual Property Agreement."

2. On November 17, 2003 Mr. Hornberger and his co-inventors submitted an invention disclosure that led to the filing of the present application. On December 16, 2003 Mr. Hornberger left the employ of Philips as shown by the enclosed "Affirmation of Confidentiality Agreement." A provisional application substantially identical to and the

basis for the present application was filed on April 2, 2004 as serial number 60/559,379.

3. Around the time of filing of the provisional application one of Mr. Hornberger's co-inventors contacted him to ask him to sign the Declaration for this application. Mr. Hornberger refused the request.

4. On September 6, 2006 my assistant sent Mr. Hornberger a copy of the Declaration for this and another application and asked him to sign and return them. A copy of this letter is enclosed. The return receipt postcard from this mailing, a copy of which is enclosed, shows that the Declaration was received at Mr. Hornberger's last known address on September 13, 2006. A signed Declaration has not been returned by Mr. Hornberger. If it is, the undersigned will promptly submit it in this application. In the meantime, it is respectfully requested that this application be allowed to proceed with the Declaration signed all of the co-inventors except for Mr. Hornberger.

5. Please charge Deposit Account no. 14-1270 for the petition fee required by 37 CFR §1.17(g).

Respectfully submitted,

By: /W. Brinton Yorks, Jr./  
W. Brinton Yorks, Jr.  
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